

Remarks

Currently, claims 1-3, 5-9, 19-21, and 23-25 remain pending in the present application, including independent claims 1, 19, and 23. In the Final Office Action dated January 26, 2005, claims 1-3, 5-9, 19-21, and 23-25 were again rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,843,852 issued to Dutkiewicz, et al. in view of U.S. Patent No. 5,286,770 issued to Bastioli, et al.

In Applicants' last response, Applicants asserted that the above-cited references do not disclose or suggest the use of a bonding agent for bonding a first working layer to a second retention layer. In response, the Examiner stated that the features upon which Applicants relied were only cited in the claims as an "intended use" as opposed to being a positive limitation. Based upon the Examiner's comments and guidance, claims 1, 19 and 23 have been amended further to more clearly and positively state that a bonding agent bonds a first working layer to a second retention layer. As now amended, it is believed that the claims patentably define over the cited prior art.

For instance, as admitted in the Final Office Action, Dutkiewicz does not disclose a second retention layer comprising a hydrogel-forming polymeric material. The Examiner combines Dutkiewicz with Bastioli to argue that it would be obvious to modify Dutkiewicz to have a retention layer comprising hydrogel-forming polymeric material.

However, claims 1, 19, and 23 also require a bonding agent for bonding said first wicking layer to said second retention layer. The Office Action cites Bastioli, column 9, rows 20-25 as disclosing a bonding agent. However, as described in Bastioli, the adhesive is used to join the topsheet and the backsheet together, wherein both the topsheet and backsheet are made from a hydrophobic material. See Bastioli, column 8, rows 60-62 and rows 38-40, respectively. Bastioli teaches that the topsheet and the backsheet are joined together effectively enclosing the absorbent material within, not bond the absorbent material to either sheet.

In stark contrast, independent claims 1, 19, and 23 require that the bonding agent bond the first wicking layer to the second retention layer. Thus, Bastioli does not disclose or suggest bonding the first wicking layer to the second wicking layer as

in the present invention. Therefore, Applicants respectfully submit that the claims are patentably distinct over the prior art references and in complete condition for allowance.

Also, in the Office Action, claims 3, 12, 21, and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dutkiewicz and Bastioli in further view of U.S. Patent No. 5,685,756 issued to Noda. As admitted in the office action, neither Dutkiewicz nor Bastioli disclose or suggest the use of a bonding agent to bond the first wicking layer to the second retention layer. Thus, it would not have been obvious to one of ordinary skill in the art to combine Noda to find a suitable bonding agent.

Applicants respectfully submit that the presently pending claims are in complete condition for allowance. Therefore, reconsideration and allowance are respectfully requested. Should generic independent claims 1, 19 and 23 be held allowable, then all of the withdrawn nonelected species claims, specifically 4, 22, and 26, should be indicated as allowed also.

Respectfully submitted,

DORITY & MANNING, P.A.



Alan R. Marshall
Reg. No. 56,405

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P.O. Box 1449
Greenville, SC 29602
(864) 271-1592
(864) 233-7342